

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7034

BILL NUMBER: HB 1179

DATE PREPARED: Mar 2, 1999

BILL AMENDED: Mar 1, 1999

SUBJECT: Death sentence.

FISCAL ANALYST: Mark Bucherl

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FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill allows a jury to consider evidence of the impact of the crime on the members of the victim's family and evidence of the defendant's criminal history when recommending a sentence for a defendant. It requires a court to sentence a defendant according to a unanimous jury sentencing recommendation. It also provides that if a jury is unable to agree on a sentence recommendation in a murder case after reasonable deliberations, the court must discharge the jury, hold a separate sentencing hearing, and sentence the defendant to: (1) a fixed term of imprisonment; or (2) life imprisonment without parole.

Effective Date: July 1, 1999.

Explanation of State Expenditures: (Revised) Providing juries with complete responsibility for sentencing (when the jury verdict is unanimous) would have an indeterminable impact on the number of sentences sought for the death penalty or life imprisonment without parole (LIWP) for the crime of murder. The provision requiring jury agreement on sentencing may work to decrease the number of LIWP and death penalty outcomes in the future in favor of fixed sentences. There are currently 40 persons serving LIWP and 44 persons under the death penalty in Indiana. (Expenses in death penalty cases may also involve appeals expenditures by state entities, including: (1) the Office of Attorney General and (2) the State Public Defender's Office.)

The average expenditure to house an adult offender was \$20,500 in FY 97. Individual facility expenditures range from \$11,000 to \$27,000. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually or \$5 daily per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) Local expenditures may be affected based on prosecutors'

decisions to file death penalty cases due to this bill's provisions. Research indicates that the trial and appeals costs for death penalty cases can be two to three times more than the current range of \$37,000 and \$90,000 spent to impose prison sentences. (Death penalty case costs can be further inflated due to additional police investigation and court time, prosecution resources, or the costs of a lengthy jury trial with a sequestered jury.)

Court administrative processing costs may increase negligibly due to the provision requiring a separate sentencing hearing.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts; prosecutors; local law enforcement agencies.

Information Sources: Planning Division, Department of Correction.